

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

SAVE BARTON CREEK ASSOCIATION, §
et al., §
§
Plaintiffs, §
§
v. § 1:19-CV-761-RP
§
§
TEXAS DEPARTMENT OF §
TRANSPORTATION, et al., §
§
§
Defendants. §

ORDER

On August 13, 2020, Plaintiffs filed a motion requesting that this Court refer this case for alternative dispute resolution (“ADR”). (Dkt. 34.) Plaintiffs state they believe the parties can agree on an ADR provider. (*Id.* at 1). Defendants oppose. (Dkt. 35). Defendants’ argument boils down to that they have met with Plaintiffs several times, and they believe Plaintiffs lack new ideas for discussion. (*See id.* at 1–2).

The Court finds good cause to grant Plaintiffs motion under Local Rule 88. W.D. Tex. Loc. R. CV-88(c). While the parties may have met in the past to discuss their dispute, they have not attempted an ADR process with the assistance of a qualified mediator.

Accordingly, the Court **ORDERS** that the parties are referred to mediation, to be scheduled at a time convenient to the parties, with a mediator agreed upon by the parties.

IT IS FURTHER ORDERED that each party or a representative with settlement authority for that party shall appear and participate in the mediation.

IT IS FURTHER ORDERED that all materials prepared for, and all statements made during, the mediation are confidential, unless the materials or statements are admissible or discoverable independently.

IT IS FURTHER ORDERED that the mediation shall be confidential, privileged from discovery, and otherwise conducted in accordance with 28 U.S.C. § 652(d) and the Local Rule CV-88(h).

IT IS FINALLY ORDERED that the parties file a joint status report within 30 days of the conclusion of the mediation informing the Court that mediation is complete and whether the parties intend to continue this litigation.

SIGNED on August 30, 2020.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE